

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT BECKLEY

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 5:00-00185-01

HARRY CARLOS OWEN

**MEMORANDUM OPINION AND ORDER**

Pending before the court is defendant's motion to modify his sentence. (ECF No. 972). In particular, defendant asks the court to waive the accrued interest on his fine. Because this court is required to address defendant's postjudgment request, see United States v. Coleman, No. 08-4280, 319 F. App'x 228, 230-31 (4th Cir. Mar. 23, 2009), the government was directed to file a response to defendant's motion no later than August 4, 2017. On July 20, 2017, the United States responded to defendant's motion. See ECF No. 974. In its response, the United States agreed with defendant that there has been a material change in the defendant's financial situation that affects his ability to pay interest on his fine, see 18 U.S.C. § 3612(f)(3), and indicated that it did not oppose the entry of a court order waiving interest on the fine.

18 U.S.C. § 3612(f)(3) provides in relevant part:

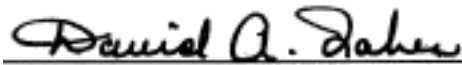
If the court determines that the defendant does not have the ability to pay interest under this subsection, the court may- (A) waive the requirement for interest; (B) limit the total of interest payable to a specific dollar amount; or (C) limit the length of the period during which interest accrues.

Based upon the materials submitted by the parties, the court agrees that defendant does not have the ability to pay interest on his fine. Accordingly, defendant's motion is **GRANTED** and the interest accrued on his fine is hereby waived.\*

The Clerk is directed to send a copy of this Memorandum Opinion and Order to counsel of record, defendant at FCI Petersburg, and the Probation Office of this court for forwarding to the Bureau of Prisons.

IT IS SO ORDERED this 26th day of September, 2017.

ENTER:

A handwritten signature in cursive script, reading "David A. Faber", is written over a horizontal line.

David A. Faber

Senior United States District Judge

---

\* As of May 19, 2017, the accrued interest was \$1,646.16.